IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 14837 of 2007(N)

PETITIONER:

DR. A. SHEELAMONI, PROFESSOR,
DEPARTMENT OF OBSTETRICS AND GYNECOLOGY,
MEDICAL COLLEGE, ALAPPUZHA, RESIDING AT:
`VYASA NAGAR, HOUSE NO.7(A),
MUTTADA P.O., PARUTHIPPARA, TRIVANDRUM-25.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE (B) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **DIRECTOR OF MEDICAL EDUCATION, THIRUVANANTHAPURAM.**

3. **DR.T. SHEELA SHENOY, PROFESSOR, DEPARTMENT OF OBSTETRICS AND GYNECOLOGY, MEDICAL COLLEGE, CALICUT-8.**

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 14837 OF 2007-N

JUDGMENT

The petitioner is a Professor in the Department of Obstetrics and Gynaecology in the Medical College, Alappuzha. She was posted there in November, 2006. Before that she has worked about three years at Thiruvananthapuram. Though she completed only about six months at Alappuzha, claiming a transfer back to Thiruvananthapuram, this writ petition is filed. The ground urged for the same is that she is on the verge of retirement and therefore, in terms of the transfer norms she is entitled to be posted at Thiruvananthapuram. She also says, she has got longer outstation service when compared to the 3rd respondent. In the above factual background the petitioner challenges Ext.P1 order dated 17.1.2007 issued by the Government, posting the 3rd respondent to Thiruvananthapuram with effect from 1.6.2007. According to the petitioner, she has a superior claim for being posted at Thiruvananthapuram when compared to the 3rd respondent.

2. This Court can interfere with a transfer, if the same is shown to be illegal or vitiated by mala fides. I find that no such ground has been made

out in this writ petition. Therefore, the challenge against Ext.P1 fails and the writ petition is accordingly dismissed. But, the dismissal of the writ petition will not affect the rights, if any of the petitioner to represent before the competent authority for a transfer to Thiruvananthapuram.

23rd May, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/